

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In the Matter of)
)
)

JOSEPH M. TROCHA)
)
)

Debtors)
)
_____)

Chapter 13

Case No. 09-44464-HJB

**MOTION TO DETERMINE VALUE OF SECURITY AND CREDITOR'S
ALLOWED SECURED CLAIM**

NOW comes the Debtor, by his attorney, and hereby respectfully moves this Honorable Court pursuant to 11 U.S.C. § 506(a) and Bankruptcy Rule 3012 to determine the value of the interest of creditors in the Debtor's real estate located at 796 Merrimack Street, Lowell, Massachusetts and determine the amount of the secured claim of GMAC Mortgage's first mortgage and GMAC Mortgage's second mortgage. In support of this Motion, the Debtor states the following:

1. On October 23, 2009 Debtor, Joseph M. Trocha, filed a voluntary petition under chapter 13 of the United States Bankruptcy Code.
2. Debtor filed his schedules, statements and Chapter 13 plan on or about December 4, 2009.
3. At the time Debtor filed his bankruptcy petition and at the present time the value of Debtor's real property was approximately \$165,000.00 (see attached Comparative Market Analysis).
4. The Debtor's interest in the property is subject to a first mortgage held by GMAC Mortgage in an approximate amount of \$285,909.49¹ (as indicated by the proof of claim filed).
5. The Debtor's interest in the property is also encumbered by a second mortgage by GMAC Mortgage in an approximate amount of \$29,949.52².

¹ Debtor does not waive any rights to object to the amount, extent and validity of this claim.

Joel B. Louvett